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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO
08/620,482	03/22/96	ROBSON	D 7: ROBSON-CON

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EXAMINER	
CINTINS, I	
ART UNIT	PAPER NUMBER
1308	24
DATE MAILED: 06/04/97	

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

a) ☒ is extended to run 5 months or continues to run from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 5/19/97 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:

- a. ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☒ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attached supplement

2. ☐ Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: None
Claims objected to: None
Claims rejected: 1, 3-6, 8-17, 20-22 & 24

However;

☐ Applicant's response has overcome the following rejection(s):

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

SUPPLEMENT TO ADVISORY ACTION

The amendment filed May 19, 1997 has not been entered because the proposed limitation that only hydroxyl groups of the lignin in the lignocellulosic material are esterified (claim 25) has not been previously recited, and raises new issues which would require further search and consideration.

Applicants' argument that the Teng patent does not involve the esterification of lignocellulosic material has been noted and carefully considered, but is not deemed to be persuasive of patentability. It is pointed out that Teng '984 contacts a lignocellulosic material such as sawdust (col. 3, line 35) or paper (col. 3, lines 39-40) with acetic anhydride (col. 2, line 61); and this procedure will inherently result in esterification of the lignocellulosic material for the same reason that it occurs in Applicants' process (see page 3, lines 11 and 29 of the specification). Applicants' argument that the presence of perchloric acid catalyst will prevent this reaction from occurring is not supported by any evidence of record; and therefore, appears to be based on mere speculation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

Serial Number: 08/620,482


-3-

Art Unit: 1308

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on (703) 308-3837.

The fax phone number for this Group is (703) 305-3602. When filing a FAX in Group 1300, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of these papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Ivars C. Cintins
Primary Examiner
Art Unit 1308

I. Cintins
June 3, 1997